

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 1-25 are pending after entry of the amendments set forth herein.

Claims 7-19 are pending but deemed withdrawn as being directed to a non-elected species as discussed below.

New claims 20-25 are added. Support for new claims 20-25 is found throughout the specification, and particular in original claims 1-3 and specification page 20, lines 15-18.

Please replace claims 1-19 with reiterated claims 1-19, and add new claims 20-27, as provided in the clean version above.

No new matter has been added.

Response to Election of Species Requirement

The Office Action set out a election of species requirement as follows:

- A: Figures 1, 2 & 3 (carrier material without elongate member);
- B: Figures 1, 2 & 4 (carrier material with elongate member);
- C: Figures 1, 2 & 5 (carrier material with hollow elongate member); and
- D: Figures 1, 2, 6 & 7 (carrier material with elongate member and EcOG monitoring element).

Applicants hereby elect to prosecute Species A with traverse.

The Election of Species Requirement is traversed with respect to the assertion in the Office Action that no claim is generic.

Applicants respectfully submit that claims 1-6 are generic to all species. Independent claims 1 and 4 each recites that a drug delivery unit is placed in a round window niche of a subject. Each of Species A-D comprises such a generic drug delivery unit (numbered as element 10).

Applicants submit that claims 1-6 read on elected Species A, as do claims 20-25 added by this amendment. Applicants note that upon a determination that the elected species is allowable, claims encompassing non-elected species should also be examined.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, referencing DURE021.

Respectfully submitted,
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Date: May 11, 2001

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